



PATENT
Docket No. 377882001500

7/16

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In the application of:

Stephen TUCK and Gary VAN NEST

Serial No.: 09/713,136

Filing Date: November 14, 2000

For: IMMUNODULATORY
COMPOSITIONS CONTAINING AN
IMMUNOSTIMULATORY SEQUENCE
LINKED TO ANTIGEN AND
METHODS OF USE THEREOF

Examiner: "Neon" Phuong Huynh

Group Art Unit: 1644

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action, dated July 29, 2002, in connection with the above-identified application. A petition for a one month extension of time is attached, making this response due on or before September 30, 2002 (September 29th being a Sunday).

Accordingly, this response is timely filed.

SPECIES ELECTION

Claims 1-3, 7-8 and 11-107 are pending in this application. Species election has been required among the allegedly distinct populations of conjugate comprising (1) a specific antigen and (2) a specific immunostimulatory sequence (ISS).

Applicants hereby elect "Amb a 1" as a specific antigen and "AACGTTTCG" as a specific ISS. Applicants request that, upon allowance of a generic claim, the remainder of the species be included as permitted by 37 C.F.R. § 1.141(a).

Applicants expressly reserve their right under 35 U.S.C. §121 to file a divisional application or continuation application directed to the nonelected or other unclaimed subject matter during the pendency of this application, or an application claiming priority from this application.

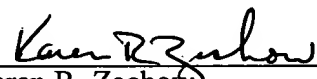
Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 377882001500. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 30, 2002

By:


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